

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

ANTONIO GRIFFIN,)
)
)
Movant,)
)
)
v.) Case No. CV416-136
) CR410-005
)
UNITED STATES OF AMERICA,)
)
)
Respondent.)

ORDER

Antonio Griffin recently filed a 28 U.S.C. § 2255 motion with the Eleventh Circuit Court of Appeals. Doc. 1 at 1. Normally that's the wrong place to start, so that court forwarded it to this judicial district. As it turns out, Griffin knew what he was doing.

This is not Griffin's first stab at post-conviction relief. *See Griffin v. United States*, CV411-261, doc. 1 (S.D. Ga. Oct. 17, 2011) (first § 2255 motion). Consequently, he had to "move in the appropriate court of appeals for an order authorizing the district court to consider the application" before filing the present motion here. 28 U.S.C. § 2244(b)(3)(A).

That's exactly what Griffin did by including with his § 2255 application a "motion under 28 U.S.C. § 2244 for order authorizing district court to consider second or successive application for relief under . . . § 2255." Doc. 2 at 1. Hence, this case never should have been sent to this district until the Eleventh Circuit had a chance to rule on Griffin's § 2244 motion. To remedy that error, the Clerk is **DIRECTED** to (1) send Griffin's § 2255 and § 2244 motions back to the court of appeals (perhaps with the § 2244 motion on top this time), and (2) close this case.

SO ORDERED, this 14th day of June, 2016.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA